

MINUTES OF THE ANNUAL MEETING

OCTOBER 20, 2005

The 89th Annual Meeting of the Kentucky High School Athletic Association was held on Thursday, October 20, 2005 at the Lexington Center. KHSAA Board of Control President Jerry Taylor called the meeting to order at 2:00 p.m. Mr. Larry Boucher, Assistant Commissioner, introduced KHSAA Staff members, Board members, and welcomed delegates and guests. Commissioner Brigid DeVries reviewed the 2004-05 Annual Report. Assistant Commissioner Roland Williams verified attendance. Mr. Taylor designated Mr. Ken Tippet as the Parliamentarian. Mr. Tippet explained the Parliamentary Procedure to the delegates.

The total number of registered delegates was 275, with 7 schools unrepresented. Mr. Tippet announced that in order for a proposal to pass, 184 affirmative votes were needed (2/3 of the registered delegates).

The next order of business was to adopt the orders of the day. A motion was made by Ed Bentley, Bullitt East, seconded by Bill Drage, Union County to accept the orders. Sam Harp, Danville moved to amend the motion, seconded by Mark Swift, Ashland Blazer, to vote on Proposal 20 first. A paddle count was taken and the motion passed 237-14 with 31 abstaining. The motion to adopt the orders of the day as amended passed 237-1.

Ken Tippet then reviewed the rules of order. A motion was made by Bill Drage, Union County, seconded by Sam Sparks, Russell County, to adopt the rules of order. A paddle count was taken and the motion passed 267-0.

Alan Donhoff, St. Xavier, asked if the results of Proposal 20 would be known before the voting on other Proposals. Mr. Tippet answered that Mr. Donhoff's request was out of order until the adoption of the voting procedures. The voting procedure was then amended to get the results for Proposal 20.

A motion was made by Phil Rison, Montgomery County, seconded by Tom Woofert, Pendleton County, to adopt the voting procedure. Bill Drage, Union County, amended the motion, seconded by Alan Donhoff, St. Xavier, to tally the results of Proposal #20, then Proposals #1-12, then Proposals #13-19. A paddle count was taken and the motion passed 260-0.

A motion was made by Joe Ruddell, Tates Creek, seconded by Joe Carr, Woodford County, to conduct a roll call vote on the constitutional proposal. Following discussion, a paddle count was taken and the motion failed 78-178.

A motion was made by Tom Jaco, Fort Knox, seconded by Rhonda Welliver, Fort Campbell, to amend Proposal 20 to include their two schools in the public designation instead of the non-public designation, as originally assigned by the author of Proposal 20. A paddle count was taken and the amendment passed 186-34. The ballots were collected and counted and Proposal #20 passed 195-78-0-2.

A motion was made by William Raleigh, Valley, seconded by Keith Smallwood, South Floyd, to adopt Proposal 1 as written. The motion failed 81-182-3-9.

A motion was made by Kathy Johnston, Bourbon County, seconded by Dale Butler, Breckinridge County, to adopt Proposal 2 as written. The motion failed 97-163-6-9.

A motion was made by Mark Swift, Ashland Blazer, seconded by Sam Sparks, Russell, to adopt Proposal 3 as written. The motion passed 189-75-2-9.

A motion was made by Becky Bushong, Henry Clay, seconded by Jenny McCarty, Western Hills, to adopt Proposal 4 as written. The motion failed 128-136-2-9.

A motion was made by Tim Amshoff, Fern Creek, seconded by Ozz Jackson, Letcher County Central, to adopt Proposal 5 as written. The motion failed 126-135-4-10.

A motion was made by Scott Greenwald, Seneca, seconded by Alan Campbell, North Hardin, to adopt Proposal 6 as written. The motion failed 108-157-0-10.

A motion was made by Joe Rogers, Eastern, seconded by Mike Doig, Whitefield Academy, to adopt Proposal 7 as written. The motion failed 79-187-0-9.

A motion was made by Joe Rogers, Eastern, seconded by Kathy Johnston, Bourbon County, to adopt Proposal 8 as written. The motion failed 111-150-5-9.

A motion was made by Joe Rogers, Eastern, seconded by Kathy Johnston, Bourbon County, to adopt Proposal 9 as written. The motion failed 109-157-0-9.

A motion was made by Joe Rogers, Eastern, seconded by Jeff Doom, Lyon County, to adopt Proposal 10 as written. The motion failed 142-120-4-9.

A motion was made by Ken Trivette, Pikeville, seconded by Phil Rison, Montgomery County, to adopt Proposal 11 as written. The motion failed 142-123-1-9.

A motion was made by Joe Roberts, Campbell County, seconded by William Raleigh, Valley, to adopt Proposal 12 as amended by the author, Jim Sexton, Eastern. Mr. Sexton spoke on behalf of Joe Rogers, and stated that the change in the dead period was removed from the proposal, and the dead period would remain as printed in the 2005-2006 handbook. The motion failed 140-125-1-9.

A motion was made by Alan Campbell, North Hardin, seconded by Tom Woofert, Pendleton County, to adopt Proposal 13 as written. The motion passed 226-23-0-26.

A motion was made by Alan Campbell, North Hardin, seconded by Dale Butler, Breckinridge County, to adopt Proposal 14 as written. The motion passed 216-33-0-26.

A motion was made by Alan Campbell, North Hardin, seconded by Mike Wlosinski, Lafayette, to adopt Proposal 15 as written. The motion failed 65-184-0-26.

A motion was made by Ronnie Fields, Anderson County, seconded by Jeff Doom, Lyon County, to adopt Proposal 16 as written. The motion failed 39-209-0-27.

A motion was made by Alan Campbell, North Hardin, seconded by Art Davis, Paducah-Tilghman, to adopt Proposal 17 as written. The motion passed 203-47-0-25.

A motion was made by Alan Campbell North Hardin, seconded by Rick Roberts, Hopkinsville, to adopt Proposal 18 as written. The motion passed 214-36-0-25.

A motion was made by Alan Campbell, North Hardin, seconded by Art Davis, Paducah-Tilghman, to adopt Proposal 19 as written. The motion passed 228-17-0-30.

The ballots were collected and tallied after Proposal 12, and Proposal 19.

A copy of Proposals 1-20 are attached as an Addendum to these minutes.

The next item on the agenda was New Business. Alan Donhoff, St. Xavier made a motion, seconded by Jeff Imlay, Christian Academy, to amend Bylaw 16. A paddle vote to bring the motion to the floor was counted, and failed 52-6.

There being no further business, the meeting adjourned at 4:40 p.m.

FALL 2005 KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION ANNUAL MEETING

PROPOSALS RECEIVING A TWO-THIRDS VOTE OF THE DELEGATES

PROPOSAL 3

**Proposed by Mark Swift, Designated Representative,
Ashland Blazer High School**

Rationale – Opportunities for resident Kentucky school children to participate in KHSAA athletic competitions are reduced by non-resident student-athlete participation. This amendment may eliminate allegations of recruitment of out of state students by KHSAA member schools. In selected areas, the perception is that some schools allow non-residents to participate simply due to athletic prowess. This would also ensure that these are truly Kentucky state championships, teams composed of only Kentucky residents. This also solves problems with disparity between enrollment and attendance requirements that may vary among KHSAA member school systems as it relates to out of state students.

Bylaw 4. Enrollment

Sec. 1) Residence Requirement

Pupils in grades one (1) through twelve (12) may play on the high school team if such pupils have a bonafide residence in the Commonwealth of Kentucky and such participation is not in conflict with restrictions contained elsewhere in this or other bylaws. A bonafide residence is defined as the student and his/her custodial parents residing in a Kentucky school district's defined attendance area. A student is ineligible to participate in interscholastic athletics at any level (grades 9-12) if the student or his/her parents maintain a permanent residence outside the Commonwealth of Kentucky and do not attend a member school of the KHSAA while adhering to a valid tuition exchange/reciprocal agreement with the Kentucky public school district to ensure compliance with state regulations. This provision shall not apply to students enrolled at D1 (Kentucky Board of Education managed) or F1 (Federally managed) schools. This provision shall also not apply to students enrolling in a KHSAA member school who have continually attended since initial enrollment in grade four (4), a school under the same local Board of Education as the KHSAA member school.

PROPOSAL 13

Proposed by the KHSAA Board of Control

Rationale – This change would remove outdated restrictions on the forfeiture of postseason games. This provision pre-dates Bylaw 33 which details the penalties possible for violations, and allowing it to remain in the rules leads to potential rules conflict upon enforcement. In addition, Sections 4 and 5 are better left to the membership to deal with through the use of the standard game contract.

Bylaw 24. Forfeits

Sec. 1) Use of an Ineligible Player

When a student is declared ineligible, all contests in which he/she has played while ineligible shall be forfeited to the opposing team[~~except that this may not apply to state championship competition.~~]

Sec. 2) Failure to Play a Scheduled Contest

When a school fails to carry out its contract to play a regularly scheduled contest, the contest shall be forfeited to the offended school.

Sec. 3) Failure to Follow Terms of Contract

Provisions may be made for a forfeit fee to be paid by the school that fails to follow the terms of a contract. The Commissioner shall suspend from the Association a school that fails to pay during the same season a stipulated forfeit fee, and the suspension shall remain in effect until the Board of Control removes it.

Sec. 4)[When No Forfeit Fee is Stipulated]

A school failing to engage in a contest agreed upon, without giving at least one week notice to the other school, and securing an honorable release, may be suspended from membership.

Sec. 5)Canceled Contests

When a contest is canceled for any reason, the Board of Control shall determine if either school is liable in cases where the two schools cannot reach a satisfactory agreement.]

PROPOSAL 14

Proposed by the KHSAA Board of Control

Rationale – This proposal would remove from the interpretations and place into the body of the bylaws, the provisions and penalties for a school that exceeds the limit of games. This sets an absolute time frame for the reporting, self or otherwise, of a violation of the limit, and directs the Commissioner as to a direction for proceed with penalties. This also prevents mid postseason forfeiture by late reports while clarifying issues from the past which may have inadvertently allowed schools to manipulate the published interpretations and penalties. This would moot much of Case Situation BL25-3 as it would place the legislative portion into the body of the bylaw.

Bylaw 25. Limitation of Seasons

Sec. 1) General Provisions Concerning All Sports

(4) Specific Penalties for Violations - Too Many Contests

Any school violating provisions of this Bylaw by playing too many contests may not be eligible for state championship competition or may be otherwise penalized. For the determination to be made that the limit has been exceeded, it shall be reported in writing and received by the KHSAA prior to 12:01 a.m. (midnight) ET on the first day of the postseason tournament series as defined by the KHSAA Memorandum Calendar. If detected and verified, the team exceeding the limit shall be ineligible for postseason play and may be further penalized in accordance with Bylaw 33. If the report is made after that point, the team shall be penalized in accordance with Bylaw 33 but shall remain eligible for tournament play during the current season.

PROPOSAL 17

Proposed by the KHSAA Board of Control

Rationale – This change will revise the tournament counting shortcut exceptions contained in the Limitation of Seasons and replace that wording with the wording from the Bylaw prior to the changes in the early 1990's. In this manner, any two tournaments could be counted as one game each against the limit, simplifying the procedure for monitoring compliance. The absolute maximum played in any form of counting would reduce from 30 to 29 with the passage of this proposal. The reduction from 24 to 23 on the limit has no practical effect as no KHSAA member school has played more than 29 games in the past two seasons, but this reduction would lessen the likelihood of further review of KHSAA schedule limits by outside, which were the reason for the change in the first place. It is hoped that this wording, restoring the counting to the basic provisions in place prior to the early 1990s, would eliminate the possibility of a school inadvertently scheduling too many contests.

Bylaw 25. Limitation of Seasons

Sec. 3) Sports Specific Limitations - Basketball - Boys and Girls

- (1) Following the opening day of school, there shall be no organized basketball practice prior to October 15.
- (2) Prior to the opening game of regular season play, a basketball team may have only two (2) scrimmages or practice games with players other than members of the squad.
- (3) The first basketball game shall not take place prior to the Monday following Thanksgiving.
- (4) No member school shall play more than twenty-three (23) ~~[twenty four (24)]~~ basketball games during the regular season. A maximum of two (2) tournaments may be included in any manner other than counting each game played against the limit of twenty-three (23) ~~[twenty four (24)]~~ games. Any two tournaments played during the regular season may be counted as one game per tournament against the limit of twenty-three (23) provided that neither tournament necessitates the team playing more than four (4) games. ~~[Single elimination tournaments in which every team in the tournament is finished playing upon their first loss are eligible to be counted as one game against the limit of twenty four~~

~~(24) games. All other formats of tournaments are eligible to be counted as two games against the limit of twenty-four (24) games. Any team playing more than four games in any one tournament shall have each additional game played over four counted against the limit of twenty-four.]—Any game played over the limit of four in any one tournament shall be counted against the limit of twenty-three (23) [twenty-four (24)] games.~~

- (5) The opportunity to play regular season contests ends at all levels of play (grades 9-12) on the Saturday preceding the first KHSAA Tournament (District, Region or State), with the exception that the varsity team may practice and play through its elimination from KHSAA sanctioned tournament play. Following elimination, there shall be no further practice or play during the remainder of the academic school year.
- (6) The Board of Control may waive provision(s) (2) and/or (4) of this Bylaw to allow member schools to participate in Hall of Fame Classic contests. Rules on participation in the Classic shall be made by the Board of Control and published in the Athlete Magazine as a part of the official record of the Association.

PROPOSAL 18

Proposed by the KHSAA Board of Control

Rationale – This change would codify the ability of the Commissioner and/or Board of Control to impose penalties against those schools that use ineligible competitors and advance in postseason play. These penalties have been applied in the past by Commissioner(s) under the provisions of the Due Process Procedure, but the Board feels that by placing them into the body of the bylaw, an additional element of deterrence will occur. Redistribution would allow the offending school to be penalized in a financial manner that did not directly impact the Association, eliminating the perception of enforcement being a business decision, and vacating/striking appears to be a practical requirement whenever an ineligible was used.

Bylaw 33. Imposition of Penalties

When Association rules and regulations have been violated, penalties may be imposed on the offending schools or individual by the Commissioner's office, the KHSAA Hearing Officer and/or the Board of Control. Each member school of the KHSAA through its Principal shall ensure that its athletic program remains compliant with KHSAA rules.

For violation of any rule or regulation by any member school or school designated staff, student-athlete, official, or other representative, such penalty as may be called for under the specific rule or regulation, or, in case no specific penalty is called for, such disciplinary action, including warning, reprimand, probation, suspension, and/or payment of a fine may be imposed by the Commissioner's office or Board of Control.

- a) **Fine** - A fine may be levied in lieu of, or in addition to, any other penalty imposed upon the school. The Board of Control shall adopt a schedule of fines and publish said schedule annually in the Association Handbook. The fine schedule shall also include any amounts paid by the Association and/or received by the school as a result of postseason competition.
- b) **Forfeit** - The forfeit of contests/meets may be included in penalties assessed for violation of Association rules.
- c) **Warning** - A warning is written notification that a violation, or an inexcusable or unethical action, has occurred, is a matter of record, and that such action must not be repeated.
- d) **Letter of Reprimand** - A written reprimand of the individual, program, or school may be issued if a violation of the rules has occurred which was preventable. The action is a matter of record, and warnings that repeat actions of this type will be cause for further penalty.
- e) **Probation** - Probation is a more severe penalty and may be described in the following manner. Normally, an individual or a school on probation is on conditional Association membership, but may engage in their/its regular schedule, sanctioned events, and district, regional and state championships. This is provided that the individual and/or school has taken steps to insure the problem which placed the individual, sport or school on probation has taken steps to alleviate the problem

which caused the probation. Additionally, a school on probation may be restricted to limits on contests/scrimmages as may be deemed appropriate.

- f) **Suspension** - An individual, sport or school may be suspended. This penalty may range from the elimination of individual and/or team(s) participation in games, tournaments, meets or state championship competition, to suspension of the school from the Association. Individuals and/or teams suspended may not engage in contests with member schools of the Association, or with any other school that is a member of another state associated with the National Federation of State High School Associations.
- g) **Restitution** - A fine may be levied equal to the amount of itemized legal fees expended by the Association in defense of its rules in a court of law in cases where a school or school system is directly or indirectly involved in the legal challenge of an association rule which has passed via the proper Constitutional process and in which case, the Association prevails in court. If the Association, its Commissioner, or other persons associated or employed by the Association are named as a party, or if the Association intervenes in any action to enforce a ruling, bylaw or other provision, it shall be presumed that the school where the student attends or the coach or such other person is employed or is otherwise associated or connected, is involved in the legal challenge. The presumption of involvement may be rebutted by clear and convincing evidence. Such involvement includes but is not limited to, providing testimony, staff, staff legal counsel and/or funds for such counsel, or direct filings by or on behalf of the school or school system. If the Association conducts an investigation regarding any player, coach, assistant coach, paraprofessional, booster, supporter or other person associated with a team, program or member school, and the investigation results in any penalty being imposed by the Association, the school may be required to pay all costs of such investigation. Such costs may include, but are not limited to, the costs, fees and expenses charged by an investigator, and the costs, fees and expenses charged by the Association's legal counsel.
- h) **Permanent Suspension** - Any coach, participant or other school representative may be permanently suspended from involvement in interscholastic athletics in this state if found by competent and conclusive evidence to be guilty of assaulting a sports official.
- i) **Redistribution** - If a school is found to have used an ineligible competitor and as an extension to the fine penalty listed above, the Commissioner may direct that a portion or all of the net proceeds received from a postseason contest or tournament be returned to the host and/or redistributed to the other contest or tournament participants.
- j) **Vacate/Strike** - If a school is found to have used an ineligible competitor, the Commissioner may direct that 1) Individual records and performances be vacated or stricken; 2) Team records and performances including place finishes be vacated or stricken; and/or 3) Individual or team awards be returned to the Association.

PROPOSAL 19

Proposed by the Board of Control

Rationale – This proposal would remove an obsolete provision of the Bylaws as it applies to no members of the Association. In addition, play by the Kentucky School for the Blind continues to be permitted in accordance with Board policy and removal of this provision ensures equal treatment of all member schools.

~~[Bylaw 35. Bylaws Not Applying to Certain Schools~~

~~Bylaw 4, Bylaw 6, and Bylaw 8 shall not apply to schools maintained by institutions created by law that receive children by commitment of court. The Kentucky School for the Blind, in competition with similar schools in other states, may compete under the eligibility rules of the North Central Association of Schools for the Blind.]~~

FALL 2005 KENTUCKY HIGH SCHOOL ATHLETIC ASSOCIATION ANNUAL MEETING

PROPOSALS PASSED BY THE MEMBERSHIP BUT NOT RECOMMENDED FOR ADOPTION BY THE BOARD OF CONTROL AT THIS TIME

PROPOSAL 20

Proposed by Designated Representative John Proctor, Meade County. Co-sponsored by Brian Carter, Designated Representative, Allen County Scottsville; Ronnie Fields, Designated Representative, Anderson County; Mark Swift, Designated Representative, Ashland Blazer; Jim Jury, Principal, Ballard; Dudley Hilton, Designated Representative, Bell County; Steve Case, Designated Representative, Bryan Station; Bill Cowan, Designated Representative, Calloway County; Geoff Bailey, Designated Representative, Christian County; Sam Harp, Designated Representative, Danville; Rodney Massey, Designated Representative, Deming; Glenn Baete, Principal, Doss; Beverly Keepers, Principal, Dupont Manual; Tracy Spickard, Designated Representative, Franklin County; Tim Schlosser, Principal, Franklin Simpson; Sam Royse, Designated Representative, Glasgow; Todd Tolbert, Designated Representative, Greenwood; Sheila Smith, Principal, Harlan; Robert Barr, Principal, Harrison County; Becky Bushong, Designated Representative, Henry Clay; Brian Shumate, Principal, Iroquois; Marsha Dohn, Principal, Jeffersonton; Mike Wlosinski, Designated Representative, Lafayette; David Dawson, Designated Representative, Larue County; Chad Molley, Designated Representative, Lloyd Memorial; David Wilson, Designated Representative, Male; Jeff Isaacs, Designated Representative, Paris; David Johnson, Principal, Pleasure Ridge Park; Jim McKee, Designated Representative, Scott County; Mary Greenlee, Principal, Seneca; Jerry Keepers, Principal, Southern; Joe Ruddell, Designated Representative, Tates Creek; Ann Osborn, Designated Representative, Todd County Central; Gregory Sheeley, Principal, Valley; Eric Wilson, Designated Representative, Warren Central; Kami Howard, Designated Representative, Warren East; Al Crout, Principal, West Jessamine; Louis Hughley, Principal, Western; Mike Campbell, Designated Representative, Whitley County; Joe Carr, Designated Representative, Woodford County

Rationale – With passage of this proposal, member schools of the KHSAA shall be divided into two divisions at the end of the regular season for district, region and state competition. Division 1 shall be public, Division 2 shall be private (non-public). Non-public schools have a geographical advantage in that they can talk to any student about their school. Students can attend from any area of the United States while public schools can only discuss athletics with students in their respective districts. Some non-public schools are single sex and therefore have no Title IX guidelines to follow. This plays a major role in the amount of money which can be spent on athletics. Non-public schools which have same gender students have skewed numbers when class participation is based on student enrollment. Example, Trinity (Louisville) with approximately 1500 males compared to 700 males at a male/female 4A high school. Non-public schools are allowed to give financial aid (scholarships) to students. Non-public schools will be able to maintain KHSAA membership. Non-public schools can continue to compete with public schools during the regular season. Non-public schools can have post-season competition. Public and non-public schools could crown state championships which will allow even more student-athletes to feel the pride of being name state champions. Having two divisions would not

adversely impact travel arrangements of cost since public schools already travel great distances for the football playoffs and other postseason competition as they always have. Non-public schools could continue to recruit students, as they have to do for survival. However, public schools will no longer have to face those "recruited" student-athletes in the state playoff competition.

Section 3. Duties of Officers

D) BOARD OF CONTROL

The Board of Control shall:

- 1) Have general supervision of the affairs of the Association deciding all questions and performing all duties not provided for in the Constitution.
- 2) Establish the Office of the Commissioner. Evaluate annually the performance of the Commissioner.
- 3) Establish salaries for staff comparable to duties and responsibilities.
- 4) Establish annually, goals and achievements for the Board of Control and the Association.
- 5) Perform a self-assessment of the Board of Control and the Association.
- 6) Report annually, the goals, achievements and self-assessments to the Kentucky Board of Education.
- 7) Hold a minimum of six regular meetings.
- 8) Be empowered to transact its business when a majority of its members is present at a meeting. This shall constitute a quorum.
- 9) Review all proposed changes to the KHSAA Constitution and Bylaws. Have authority to reject any proposed change determined not to be in the best interest of the Association.
- 10) Have authority to publish an Association magazine.
- 11) Have authority, upon petition and for cause shown, to reinstate any student or coach who has been barred from competition.
- 12) Have the authority to assess fines and impose penalties in compliance with an established penalty code with minimum and maximum penalties for each rules violation.
- 13) Have authority to establish tournaments and meets in all sports and to adopt regulations for these tournaments and meets. The Board of Control shall have the authority to assess receipts of all postseason games, meets, or tournaments in all sports.
- 14) Have authority to amend the playing rules for any sport sponsored by the Association.
- 15) Have authority, as trustees, to purchase or otherwise acquire real property, and to sell, exchange, lease, mortgage, or in any manner dispose of any real property upon such terms and for such considerations as the trustees consider proper.
- 16) Appoint the delegate(s) who represents Kentucky at the annual meeting of the National Federation of State High School Associations yearly.
- 17) Divide the member schools of the Association into two divisions at the end of the regular season for all KHSAA sanctioned postseason competition. Division One shall be public schools (A1, D1 and F1 schools), and Division Two shall be non public schools (R1, M1 and J1 schools).